



General Assembly

Substitute Bill No. 401

February Session, 2002

AN ACT CONCERNING INVASIVE PLANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) There shall be an
2 Invasive Plants Council which shall consist of the following members:
3 (1) The Commissioner of Agriculture, or the commissioner's designee;
4 (2) the Commissioner of Environmental Protection, or the
5 commissioner's designee; (3) the Director of the Connecticut
6 Agricultural Experiment Station, or the director's designee; (4) the
7 Dean of the College of Agriculture at The University of Connecticut, or
8 the dean's designee; (5) a representative of Invasive Plant Atlas of New
9 England; (6) one representative of a nonprofit association concerned
10 with the environment appointed by the speaker of the House of
11 Representatives; (7) one representative of a nonprofit association
12 concerned with growers and retailers of plants and flowers appointed
13 by the president pro tempore of the Senate; (8) one representative of a
14 nonprofit association concerned with oceans, lakes and rivers
15 appointed by the Governor; and (9) one representative from a
16 company that grows or sells flowers and plants appointed by the
17 minority leader of the House of Representatives.

18 (b) The council shall annually elect a chairperson from among its
19 members who shall convene and preside over the council meetings.
20 Such meetings shall be held at least twice per year. The council may
21 create work groups as necessary.

22 Sec. 2. (NEW) (*Effective October 1, 2002*) (a) The Invasive Plants
23 Council shall: (1) Develop and conduct a program to educate the
24 general public and merchants and consumers of aquatic and land-
25 based plants as to the problems associated with invasive plants; (2)
26 make recommendations to control and abate the spread of invasive
27 plants; (3) provide information regarding invasive plants available to
28 any person or group who requests such information; (4) annually
29 publish and periodically update a list of plants considered to be
30 invasive; and (5) support those state agencies charged with protecting
31 the environment in conducting research into the control of invasive
32 plants, including, but not limited to, the development of new varieties
33 of plant species that do not harm the environment and methods of
34 eradicating and managing existing species of invasive plants.

35 (b) The council, within available appropriations, may conduct or
36 recommend research on the problem of invasive plants.

37 (c) The council may use such funds as may be available from
38 federal, state or other sources and may enter into contracts to carry out
39 the purposes of this section.

40 (d) The council shall, in accordance with section 11-4a of the general
41 statutes, annually report to the joint standing committee of the General
42 Assembly having cognizance of matters relating to the environment on
43 the council's accomplishments of the past year and recommendations
44 for the upcoming year.

45 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) In publishing and
46 updating the list of invasive plants provided for in section 2 of this act,
47 the Invasive Plants Council shall determine that a plant possesses the
48 following characteristics before it is included on such list: (1) Is
49 nonindigenous to the state; (2) is naturalized, or occurring without the
50 aid and benefit of cultivation in an area where the plant is
51 nonindigenous; (3) under average conditions, the plant has the
52 biological potential for rapid and widespread dispersion and
53 establishment in the state or region within the state; (4) under average

54 conditions, the plant has the biological potential for excessive
55 dispersion over habitats of varying sizes that are similar or dissimilar
56 to the site of the plant's introduction into the state; (5) under average
57 conditions, the plant has the biological potential for existing in high
58 numbers outside of habitats that are intensely managed; (6) occurs
59 widely in a region of the state or a particular habitat within the state;
60 (7) the plant has numerous individuals within many populations; (8) is
61 able to out-compete other species in the same natural plant
62 community; and (9) has the potential for rapid growth, high seed
63 production and dissemination and establishment in natural plant
64 communities.

65 (b) In addition to plants that meet the criteria in subsection (a) of
66 this section, the council may list plants that have the potential, based
67 on their biology and colonization history, to become invasive in the
68 state.

69 (c) In addition to the criteria specified in subsection (a) of this
70 section, the council may use other criteria that it deems appropriate.
71 The listing of a plant shall require the approval of the majority of the
72 membership of the council. The council shall hold a public hearing
73 concerning said list not later than thirty days prior to the publication of
74 the initial list or any changes to said list.

75 (d) In listing a plant, the council shall: (1) Make recommendations
76 on how to discourage the sale and import of such plants in the state;
77 (2) make a finding on: (A) The estimated dollar value of sales of said
78 plant in the state; (B) the estimated costs associated with eradication of
79 the plant in the state; (C) the potential effect of the plant on the
80 environmental resources of the state or a region within the state; and
81 (D) the estimated effect on property values in the state or a region of
82 the state where said plant may propagate; and (3) identify alternative
83 plants to the listed plant for growing purposes.

84 Sec. 4. (NEW) (*Effective October 1, 2002*) Each state agency,
85 department or institution shall use reasonable efforts to avoid the

86 purchase of plants on the list described in subdivision (4) of subsection
87 (a) of section 2 of this act. If a state agency, department or institution
88 does purchase such a plant, said agency, department or institution
89 shall provide written notice of such purchase to the council including
90 an explanation for such purchase. Nothing in this section shall be
91 construed to prohibit the transportation of plants on said list for
92 educational or research purposes.

93 Sec. 5. Section 15-140e of the general statutes is amended by adding
94 subsection (f) as follows (*Effective October 1, 2002*):

95 (NEW) (f) Any course in safe boating operation approved by the
96 Commissioner of Environmental Protection, as described in subsection
97 (b) of this section, shall include instruction on the proper means of: (1)
98 Inspecting a motorboat for the presence of invasive plants; (2)
99 identifying such plants; and (3) disposing of such plants.

100 Sec. 6. (NEW) (*Effective October 1, 2002*) (a) No person shall transport
101 a motorboat, as defined in section 15-127 of the general statutes, in the
102 state without first inspecting such vessel for the presence of: (1) Curly
103 leaved Pondweed (*Potamogeton crispus*); (2) fanwort (*Cabomba*
104 *caroliniana*); (3) eurasian water milfoil (*Myriophyllum spicatum*); (4)
105 variable water milfoil (*Myriophyllum heterophyllum*); (5) water
106 chestnut (*Trapa natans*); (6) egeria (*Egeria densa*); and (7) hydrilla
107 (*Hydrilla verticillata*) and properly removing and disposing of such
108 plants from such vessel.

109 (b) Any person who violates the provisions of this section shall be
110 fined not more than one hundred dollars for each such violation.

111 Sec. 7. Subsection (a) of section 26-6 of the general statutes is
112 repealed and the following is substituted in lieu thereof (*Effective*
113 *October 1, 2002*):

114 (a) Conservation officers, special conservation officers and
115 patrolmen appointed by the commissioner under authority of section
116 26-5, shall enforce the provisions of title 23 and this title and chapters

117 246, 247, 248, 255 and 268 and regulations adopted pursuant to such
 118 titles and chapters and sections 26-192c to 26-192h, inclusive, 22a-250,
 119 as amended, 29-28, as amended, 29-35, as amended, 29-38, 53-134, 53-
 120 190, 53-191, 53-194, 53-203, 53-204, 53-205, 53a-59 to 53a-64, inclusive,
 121 53a-100 to 53a-117, inclusive, subsection (b) of section 53a-119b, 53a-
 122 122 to 53a-125, inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147
 123 to 53a-149, inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, as
 124 amended, 53a-171, 53a-181 to 53a-183a, inclusive, as amended, 54-33d,
 125 [and] 54-33e and section 6 of this act.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>

ENV *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable*